

Dixit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

TESTAMENTARY SUIT NO.42 OF 2012

IN

TESTAMENTARY PETITION NO.64 OF 2011

Dr. Govindaraja Venkatesh Iyengar Plaintiff

V/s.

A.R. Sampathkumar (Since Deceased)

Through LRs.:-

S. Suresh Kumar and Anr. Defendants

ALONG WITH

O.O.C.J. SUIT NO.603 OF 2013

Dr. Govindaraja Venkatesh Iyengar Plaintiff

V/s.

A.R. Sampathkumar (Since Deceased)

Through LRs.:-

S. Suresh Kumar and Anr. Defendants

Mr. Karl Tamboly, with Mr. Avinash Joshi, I/by Mulla & Mulla & C.B.C., for the Plaintiff.

Mr. S. Suresh Kumar, Defendant No.1-A, is present in person.

Mr. Iyengar S. Prakash, Defendant No.2, is present in person.

CORAM : A.K. MENON, J.

DATED : 17TH JUNE, 2019.

P.C. :

1. Mr. S. Suresh Kumar, defendant No.1-A is present on notice. He states that he wishes to adopt the submissions to be made by Mr. Prakash S. Iyengar, the defendant No.2, who has been permitted to argue in person in this court by the Committee of Registrars.

2. Today, Mr. Prakash Iyengar submits that he has been appearing for all the family member thus far. However, I am not inclined to allow that practice to continue. Since the Committee of Registrars has approved of his ability, I have granted him permission to appear in person but Mr. Prakash Iyengar will be heard as far as defendant No.1-A is concerned. As regards the other defendants, they are at liberty to appoint their own Advocates, as otherwise they will require to file their separate affidavits affirming the fact that they do not wish to make any independent submissions. The affidavits must confirm that they will be bound by all the submissions made by Mr. Prakash Iyengar. This will also apply to Mr. S. Suresh Kumar, who is defendant No.1-A and who is present in court today. Subject to filing of such affidavits, this suit will have to be considered for final hearing. Let such affidavits be filed by all other defendants within a period of two weeks from today.

3. Place the suit for directions on 4th July 2019.

(A.K. MENON, J.)